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Date

9-10-85

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION CAMDEN COUNTY  
DOCKET NO. L-088714-83

MARIE J. REACH, individually and  
as administratrix ad prosequendum  
and executrix of the Estate of  
Walter R. Reach,  
Plaintiff,

v.

Deposition of:  
KITA N.  
LA PERGOLA

THE AMERICAN TOBACCO COMPANY;  
THE AMERICAN TOBACCO COMPANY,  
a Division of American Brands,  
Inc.; AMERICAN BRANDS, INC.;  
PHILLIP MORRIS, U.S.A.;  
LIGGETT GROUP, INC.; BROWN &  
WILLIAMSON TOBACCO CORPORATION;  
and JOHN DOE (1-10),

Defendants.

TRANSCRIPT of testimony as taken by  
and before KATHLEEN A. PAGLIONE, a Certified  
Shorthand Reporter and Notary Public of the State  
of New Jersey, at the offices of Budd, Larner,  
Kent, Gross, Picillo & Rosenbaum, 216 Haddon  
Avenue, Fifth Floor, Westmont, New Jersey, on  
Thursday, August 22, 1985, commencing at 9:45  
o'clock in the forenoon.

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1 A P P E A R A N C E S:

2 BUDD, LARNER, KENT, GROSS, PICILLO &  
3 ROSENBAUM, P.C.  
4 BY WILLIAM J. MARCONI, ESQ.  
5 216 Haddon Avenue, Suite 501  
6 Westmont, New Jersey 08108  
7 For the Plaintiff

8 BROWN, CONNERY, KULP, WILLE, PURNELL &  
9 GREENE  
10 BY: RAYMOND J. DROZDOWSKI, ESQ.  
11 And DENNIS P. BLAKE, ESQ.  
12 518 Market Street Box 1449  
13 Camden, New Jersey 08101  
14 For Phillip Morris, Inc.

15 ROSEN, WEISS, SLATTERY & BURSTEIN, P.C.  
16 BY: MICHAEL B. WALLSTEIN, ESQ.  
17 Gateway One  
18 Newark, New Jersey 07102  
19 For Brown & Williamson Tobacco Corporation

20 GREENBAUM, ROWE, SMITH, RAVIN, DAVIS &  
21 BERGSTAIN  
22 BY: GIANNI DONATI, ESQ.  
23 Engelhard Building  
24 P. O. Box 5600  
25 Woodbridge, New Jersey 07095  
For Liggett Group

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI  
BY: ANNE M. PATTERSON, ESQ.  
744 Broad Street  
Newark, New Jersey 07102  
For R. J. Reynolds Tobacco Company

SILLS BECK CUMMIS ZUCKERMAN RADIN TISCHMAN &  
EPSTEIN, P.A.  
BY: JAY L. WILENSKY, ESQ.  
33 Washington Street  
Newark, New Jersey 07102-3179  
For Loew's Theatres, Inc.

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1 KENNEY & KEARNEY  
2 BY: JOHN MILLER, ESQ.  
3 Cherry Hill Plaza  
4 1415 Route 70 East  
5 P. O. Box 5034  
6 Cherry Hill, New Jersey 08034  
7 For American Brands, Inc.

8  
9 A L S O P R E S E N T :

10 SHOOK, HARDY & BACON  
11 BY: GARY R. LONG, ESQ.  
12 20th Floor, Mercantile Bank Tower  
13 1101 Walnut  
14 Kansas City, MO. 64106

15 JONES, DAY, REAVIS & POGUE  
16 BY: KIM F. BIXENSTINE, ESQ.  
17 1700 Huntington Building  
18 Cleveland, Ohio 44115

19 CHADBOURNE, PARKE, WHITESIDE & WOLFF  
20 BY: AUDREY KEVY WILNER, ESQ.  
21 30 Rockefeller Plaza  
22 New York, New York 10112  
23  
24  
25

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I N D E X

WITNESS

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RITA N. LA PERGOLA

By Mr. Drozdowski

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By Ms. Patterson

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By Mr. Miller

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LaPergola

1 RITA N. LA PERGOLA, after  
2 having been first duly sworn, was examined and  
3 testified as follows:

4 EXAMINATION

5 BY MR. DROZDOWSKI:

6 Q. Mrs. LaPergola, my name is Ray  
7 Drozdowski. I'm an attorney, I'm with the firm of  
8 Brown, Connery, Kulp, Wille, Purnell & Greene.  
9 We represent Phillip Morris Company in a suit  
10 brought by Marie Reach against Phillip Morris and  
11 a number of other cigarette companies. The other  
12 people in the room represent the other cigarette  
13 companies in this case.

14 I'm going to ask you certain  
15 questions and I'm not here to trick you or confuse  
16 you. If you don't hear the question completely,  
17 don't try to answer it, just tell me you haven't  
18 heard it and I'll repeat it.

19 If you don't understand a question,  
20 again, tell me you don't understand it and I'll  
21 rephrase it. Okay?

22 A. Okay.

23 Q. When I do get an answer from you,  
24 I'll assume you've heard it, understood it and are  
25 answering to the best of your knowledge truthfully.

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LaPergola

1 If at any time you feel tired or you  
2 want to take a break, you just let me know and  
3 we'll do that. Okay? Are you taking any  
4 medication, drugs, anything to prevent you from  
5 understanding and answering the questions?

6 A. Oh, no. I'm on a high blood pressure pill.

7 Q. Diuretics?

8 A. Well --

9 Q. We'll take breaks for that, too.

10 (Laughter.)

11 A. No, it's not a real strong pill.

12 Q. Your full name is Rita and what's the  
13 middle initial?

14 A. N.

15 Q. N. LaPergola. And where do you live,  
16 Mrs. LaPergola?

17 A. In [DELETED]

18 Q. What's your address?

19 A. [DELETED]

20 Q. And how long have you lived at that  
21 address?

22 A. 31 years.

23 Q. What was your maiden name?

24 A. Pinto, p-i-n --

25 Q. P-i-n-t-o?

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LaPergola

1 A. Yes, right.

2 Q. Did you ever use any other names,  
3 nicknames, aliases?

4 A. No.

5 Q. And where were you born?

6 A. Hammonton, New Jersey.

7 Q. And when were you born?

8 A. The date, my --

9 Q. Birthday?

10 A. August 26th, 1919.

11 Q. And you're married at the present  
12 time?

13 A. Widowed.

14 Q. Widowed? And your late husband's  
15 name?

16 A. Rocco.

17 Q. And when did he die?

18 A. August 10th, let's see, it's eight years ago,  
19 so what year was it? It was eight years in August.

20 Q. And when did you and he get married?

21 A. What year?

22 Q. Yes.

23 A. '52, I guess it was.

24 Q. And was that your one and only  
25 marriage?

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LaPergola

1 A. Yes.

2 Q. And was that his?

3 A. No, I was his second wife.

4 Q. As a result of that marriage, did you  
5 have any children?

6 A. Two sons.

7 Q. And what are their names?

8 A. Kevin and Gary.

9 Q. How old is Kevin?

10 A. Kevin is 33, Gary is 31.

11 Q. Do either of them live at home with  
12 you?

13 A. Yes, Gary.

14 Q. And where does Kevin live?

15 A. Haddon Heights.

16 Q. Is he married?

17 A. Yes.

18 Q. Do you know his address in Haddon  
19 Heights?

20 A. 1321 Maple Avenue.

21 Q. Did Gary and Kevin know Mr. and Mrs.  
22 Reach and the Reach children?

23 A. Well, sure, they knew them.

24 Q. Were Kevin and Gary friends with  
25 Marie and Walter Reach?

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LaPergola

1 A. Well, yes. I mean, they were our neighbors,  
2 you know.

3 Q. Did they socialize, the Reachs come  
4 over to your house, did your kids go over to their  
5 house, did they have --

6 A. When they were little, you know, when they  
7 were very young.

8 Q. Very young?

9 A. Yes.

10 Q. How about in their teens, did they  
11 come around and--

12 A. No.

13 Q. Are you employed outside the house?

14 A. Yes.

15 Q. By whom?

16 A. I work for the Audubon High School,  
17 cafeteria, cafeteria work.

18 Q. How long have you been doing that?

19 A. It's about four years.

20 Q. Four?

21 A. Yes.

22 Q. I should tell you inasmuch as you  
23 were originally subpoenaed here, that a witness  
24 like you is entitled to get paid for any  
25 out-of-pocket expenses or loss of income, and if

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LaPergola

1 you have that, that's what happened to you today,  
2 I'd like to know so I can --

3 A. Well, no, we're not in school, now, so -- we  
4 didn't start yet.

5 Q. Or if there's any out-of-pocket  
6 expenses, you let me know.

7 Did any of your family know Walter  
8 and Marie Reach, other than your children and your  
9 husband?

10 A. No.

11 Q. Did any of your husband's family know  
12 Walter and Marie Reach?

13 A. No.

14 Q. Did you go to school in Hammonton?

15 A. Yes.

16 Q. What schools did you go to?

17 A. I went to Joe's Grammar School, St. Joe's,  
18 and Hammonton High School, but I didn't graduate.

19 Q. Did you go to school any further than  
20 that?

21 A. No.

22 Q. When did you first meet Walter and  
23 Marie Reach?

24 A. Well, Susan was about six months old.

25 Q. I'm trying to put that in perspective.

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11

LaPergola

1 I think she's about 28-29, something like that?

2 A. 29, I believe, yes.

3 Q. So somewhere around 28 years ago, you  
4 met them.

5 A. Yes.

6 Q. How did it come about that you met  
7 them?

8 A. I met her through her next-door neighbor. I  
9 lived, you know, down the street from them.

10 Q. What was their address on [DELETED]

11  
12 A. I don't know, [DELETED] I don't remember.

13 Q. They were on the same side of the  
14 street as you?

15 A. Yes.

16 Q. How many homes between you and their  
17 home?

18 A. About four.

19 Q. And who was the neighbor that  
20 introduced you to the Reachs?

21 A. Emma Provaznik.

22 Q. Can you spell that?

23 A. P-r-o-v-a-z-n-i-k, I think it is.

24 Q. And is she still living?

25 A. Deceased.

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LaPergola

1 Q. Was there a Mr. Provaznik?

2 A. Yes.

3 Q. Is he still living?

4 A. Yes.

5 Q. And do you know where he lives?

6 A. He lives at that address.

7 Q. Same address?

8 A. Yes.

9 Q. Were the Provazniks friendly with the  
10 Reachs?

11 A. They were neighbors.

12 Q. Well, did they communicate --

13 A. I don't know. I don't know.

14 Q. You don't know?

15 A. No.

16 Q. Do you know of anybody else in the  
17 neighborhood who would see the Reachs and were  
18 friendly with the Reachs?

19 A. No.

20 Q. There weren't any?

21 A. No.

22 Q. We had Marge Siderio, she was a  
23 neighbor of yours. She was pretty friendly with  
24 Marie Reach, wasn't she?

25 A. Yes, Marge and Frank, yeah.

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LaPergola

1 Q. Other than you and Marge, was there  
2 anybody else that you know of?

3 A. No.

4 Q. After you met the Reachs 28 years ago,  
5 I assume you continued seeing them on a regular  
6 basis?

7 A. Well, I was more friendly with Marie.

8 Q. She had, let's see, one child at that  
9 time and you had two, right?

10 A. Yes.

11 Q. And then Gary was born?

12 A. And Gary was born.

13 Q. And would you meet with her and talk  
14 about the kids and shopping and things like that?

15 A. Yes.

16 Q. How frequently over the years would  
17 you say you and she would get together?

18 A. Oh, I don't know, that's pretty hard to  
19 answer.

20 Q. Well, was it on a daily basis or only  
21 once a month? Is there any way of putting a  
22 figure on it?

23 A. No, I can't. I mean, we saw each other, but  
24 I can't pinpoint how many times, you know.

25 Q. Well, did you have social occasions

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LaPergola

1 on a regular basis, card parties or get-togethers  
2 where you'd go out and see things or do things  
3 together?

4 A. Well, we'd go, like, card parties or fashion  
5 show or something, but not on a daily basis.

6 Q. Could you estimate on an average how  
7 many times a week you would see Mrs. Reach?

8 A. Well, when the kids were little, it was,  
9 like, every day we would see each other.

10 Q. And after the kids grew up, how often  
11 would you see her?

12 A. Well, she moved away from me.

13 Q. To the next block, right?

14 A. Yes. So I didn't see her that often, you  
15 know.

16 Q. Would you see her at least once a  
17 week?

18 A. Well, maybe. I don't --

19 Q. Have you any way of approximating how  
20 often you would see her?

21 A. I really can't tell you how often.

22 Q. You considered her a good friend,  
23 didn't you?

24 A. Oh, yes.

25 Q. And would she be the type of person

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Lapergola

1 you'd call on the phone, talk about things on the  
2 phone?

3 A. Yes, we would talk on the phone.

4 Q. And she'd come to your house on  
5 occasions and you'd go to her house, wouldn't you?

6 A. Yes, but I can't tell you how many times.

7 Q. How often over these 28 years would  
8 you say that you've been in the company of seeing  
9 Walter Reach?

10 A. How many times?

11 Q. Yes. Was it a regular thing, did you  
12 see him weekly, monthly, any way of telling me how  
13 often you'd get to see or talk to Walter Reach?

14 A. I can't tell you how often. I'd see him,  
15 you know, but occasionally.

16 Q. Would you see him every week during  
17 that period of time, at least once a week?

18 A. Not really.

19 Q. At least once a month?

20 A. Well, I guess you could say once a month. I  
21 don't know.

22 Q. Well, was he a person you would talk  
23 to and chat with?

24 A. Yes, when I saw him.

25 Q. Did you consider Walter to be a close

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LaPergola

1 friend of yours?

2 A. Yes.

3 Q. How often do you see Marie Reach at  
4 the present time?

5 A. Now?

6 Q. Yes.

7 A. She stops almost every day after work.

8 Q. And what do you do? Does she come --

9 A. Just have coffee and she stays about a half  
10 hour, an hour, and she leaves.

11 Q. How long has she been coming over  
12 about once a day after work?

13 A. I don't know how long she started this job.

14 Q. The last year or two or --

15 A. No, not a year. I don't know how long she  
16 started her job. It's been a few months, now.

17 Q. She's working, now?

18 A. Yes.

19 Q. Where is she working?

20 A. She's working in Atco, New Jersey. Atco.

21 Q. Atco? And what does she do?

22 A. She does telephone soliciting.

23 Q. Is that a full-time job or is that on  
24 a part-time basis?

25 A. No, part time.

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LaPergola

1 Q. How many days a week does she --

2 A. She works five days.

3 Q. Do you know how many hours a day?

4 A. Four.

5 Q. Does she drive back and forth to that?

6 A. Yes.

7 Q. Did you learn from Walter or Marie

8 Reach where Walter was born and when he was born?

9 A. Where he was born?

10 Q. Yes.

11 A. I think Marie said North Jersey, I'm not

12 sure.

13 Q. Do you know how old Walter was when  
14 he died?

15 A. No.

16 Q. Did you know anything about Walter's  
17 family? I'm not talking about --

18 A. No.

19 Q. -- the kids. I'm talking about his  
20 mother and father, any brothers and sisters?

21 A. No.

22 Q. Have you ever met them?

23 A. I met his mother and father, I think, maybe  
24 once or twice.

25 Q. Do you remember what their names were?

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Lavergola

1 A. No.

2 Q. Do you know about what year that was  
3 when you met them?

4 A. No.

5 Q. Do you know under what circumstances  
6 you met them?

7 A. No, I don't remember.

8 Q. Did you ever talk to them?

9 A. Not really.

10 Q. Well, when you say not really, you  
11 didn't have any conversations with them?

12 A. No.

13 Q. Do you know whether Mr. and Mrs.  
14 Leach smoked cigarettes?

15 A. Yes.

16 Q. You knew?

17 A. Yes, I knew.

18 Q. Okay. Did they?

19 A. Yes.

20 Q. Both or them?

21 A. Yes.

22 Q. And you saw them smoking?

23 A. Yes.

24 Q. Do you know what brands they were  
25 smoking?

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Lapergola

1 A. Walt was smoking Benson & Hedges Gold before  
2 he passed away. I don't know what he smoked  
3 before that.

4 Q. No, no, I'm sorry. I think I've got  
5 you confused. I'm talking about Walter Reach's  
6 parents.

7 A. Oh, I'm sorry. I thought you were talking  
8 about Marie and Walt.

9 Q. Do you know whether his parents  
10 smoked?

11 A. No, I don't. No, I don't know.

12 Q. Did you know that Walter was married  
13 once before?

14 A. Yes.

15 Q. Before he married Marie?

16 A. Yes.

17 Q. Did you ever meet his first wife?

18 A. No.

19 Q. Do you still see Gary and Susan Reach?

20 A. I don't see Susan.

21 Q. Do you see Gary?

22 A. Gary, yes, I see Gary.

23 Q. Does he still live at home?

24 A. Yes.

25 Q. Do you see him --

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Larergola

1 A. Occasionally.

2 Q. Do either of the Reach children, Gary  
3 or Susan, smoke cigarettes?

4 A. No.

5 Q. Did you and they ever talk about  
6 smoking cigarettes?

7 A. No.

8 Q. Do you know what Susan and Gary's  
9 attitude toward smoking cigarettes is?

10 A. No.

11 Q. Were they people who frowned against  
12 it?

13 A. I don't know.

14 Q. Did they ever tell you to stop  
15 smoking cigarettes?

16 A. No.

17 Q. Did they ever tell their father,  
18 Walter, to stop smoking cigarettes?

19 A. I don't know.

20 Q. Do you smoke cigarettes?

21 A. I did.

22 Q. When did you first start smoking  
23 cigarettes?

24 A. Teenager, I guess.

25 Q. Excuse me

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LaPergola

1 A. Teenager.

2 Q. why did you smoke?

3 A. At 18, 19. Beg your pardon?

4 Q. why did you start it?

5 A. Why did I start?

6 Q. Yes.

7 A. It was just a fad at the time, I guess. I  
8 don't know.

9 Q. wanted to be part of the gang?

10 A. I don't know -- not really.

11 Q. Did you have other friends who were  
12 smoking?

13 A. I did have.

14 Q. Did you take one of their cigarette's  
15 and start or did you do it on your own?

16 A. I think I used to take them from my  
17 brother's pack. I don't remember.

18 Q. What's your father's name?

19 A. Antonio.

20 Q. Is he alive?

21 A. No, he's deceased.

22 Q. And your mother's name?

23 A. Rose.

24 Q. Is she alive?

25 A. No, she isn't.

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LaPergola

1 Q. What was their attitude about smoking  
2 cigarettes?

3 A. Oh, my mother didn't like it. I don't  
4 remember my father, I was only four years old when  
5 he passed away.

6 Q. Did you ever hear that he was a  
7 smoker?

8 A. No.

9 Q. As far as you know, he was not a  
10 smoker?

11 A. I wouldn't know, no.

12 Q. Excuse me, do you know or--

13 A. No.

14 Q. -- whether he was or not?

15 A. I don't know.

16 Q. Was your mother a smoker?

17 A. No.

18 Q. She didn't want you to smoke  
19 cigarettes?

20 A. No.

21 Q. What did she tell you?

22 A. Just that she just didn't want us to smoke.  
23 She didn't think it was very nice for girls to  
24 smoke.

25 Q. Did she say anything other than that?

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LaPergola

1 A. No.

2 Q. Did she tell you that it could be  
3 injurious to your health?

4 A. No.

5 Q. Didn't discuss health at all?

6 A. No.

7 Q. Just felt that it was not nice for --

8 A. Unladylike.

9 Q. Do you have any brothers and sisters?

10 A. Yes.

11 Q. Can I have their names?

12 A. I have three brothers living. William,  
13 James, Joseph. Do you want the deceased one's  
14 name?

15 Q. Yes.

16 A. Anthony, and I have sisters, too.

17 Q. What are your sisters' names?

18 A. Rose.

19 Q. Is she alive?

20 A. Yes. Elsie, and Helen passed away. She's  
21 deceased. That's it.

22 Q. Did any of the ones that are living  
23 ever meet Walter and Marie Reach?

24 A. Maybe just once.

25 Q. Where does William live?

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LaPergola

- 1 A. [DELETED] .
- 2 Q. Do you know his address?
- 3 A. [DELETED]
- 4 Q. Does William smoke?
- 5 A. No.
- 6 Q. Ever smoked?
- 7 A. He did.
- 8 Q. He stopped?
- 9 A. Yes.
- 10 Q. When did he stop?
- 11 A. It's been some years, now. I don't know how
- 12 many, I don't know.
- 13 Q. More than ten years ago?
- 14 A. I think so. I don't know.
- 15 Q. Did he tell you why he stopped
- 16 smoking?
- 17 A. No.
- 18 Q. Do you know how he stopped smoking?
- 19 A. No.
- 20 Q. How about James, is he a smoker?
- 21 A. No.
- 22 Q. Never smoked?
- 23 A. He did, but he don't, now.
- 24 Q. Do you know when he stopped smoking?
- 25 A. No, I don't.

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LaPergola

1 Q. Do you know how he stopped smoking?

2 A. No.

3 Q. Do you know why he stopped smoking?

4 A. No.

5 Q. How about Joseph, is he a smoker?

6 A. No.

7 Q. Where does James live?

8 A. [DELETED]

9 Q. What's his address?

10 A. Oh God, I don't know.

11 Q. You don't know?

12 A. [DELETED], but I don't know the  
13 exact number.

14 Q. Now, Joseph, you say, is not a smoker?

15 A. No.

16 Q. Did he ever smoke?

17 A. Yes.

18 Q. Do you know when he stopped smoking?

19 A. No.

20 Q. Do you know why he stopped smoking?

21 A. No.

22 Q. Do you know how he stopped smoking?

23 A. No, I don't.

24 Q. Do you know where he lives?

25 A. [DELETED]

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LaPergola

1 Q. What's his address?

2 A. [DELETED] . I don't know the  
3 correct address offhand.

4 Q. Did any of your brothers ever talk to  
5 you about your smoking?

6 A. No.

7 Q. Never asked you or tell you to stop  
8 smoking?

9 A. No.

10 Q. How about Rose, what's her last name?

11 A. Guerrier.

12 Q. Where does she live?

13 A. She lives in [DELETED]

14 Q. Do you know her address?

15 A. Yes, [DELETED]

16 Q. What's her husband's name?

17 A. Frank.

18 Q. Has Rose ever smoked?

19 A. No.

20 Q. Do you know what her attitude about  
21 smoking is?

22 A. No, I don't.

23 Q. Did she ever talk to you about your  
24 smoking?

25 A. No.

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LaPergola

1 Q. Does her husband smoke?  
2 A. No.  
3 Q. Did he ever smoke?  
4 A. Yes.  
5 Q. He stopped?  
6 A. Yes.  
7 Q. Do you know how he stopped?  
8 A. I think due to health problems.  
9 Q. What kind of health problems?  
10 A. Heart, heart attack.  
11 Q. Did he ever talk to you about your  
12 smoking?  
13 A. No.  
14 Q. What's Elsie's last name?  
15 A. Durney.  
16 Q. Gurney?  
17 A. D-u-r-n-e-y.  
18 Q. And where does she live?  
19 A. [DELETED] .  
20 Q. Do you know her address?  
21 A. [DELETED] , but I don't know what the number  
22 is.  
23 Q. And what's her husband's name?  
24 A. Thomas.  
25 Q. Did Elsie ever smoke? 689416067

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LaPergola

- 1 A. Yes.
- 2 Q. Does she still smoke?
- 3 A. No.
- 4 Q. When did she stop?
- 5 A. About 15 years.
- 6 Q. Do you know why she stopped?
- 7 A. No, I don't know why.
- 8 Q. Do you know how she stopped?
- 9 A. Yes, she gave it up for Lent and she said
- 10 she would never go back.
- 11 Q. Did she ever talk to you about your
- 12 smoking?
- 13 A. No.
- 14 Q. Did she ever try to get you to stop?
- 15 A. No.
- 16 Q. Did she ever mention that it was bad
- 17 for your health?
- 18 A. No.
- 19 Q. Were you ever told, did you learn
- 20 anything about places where Mr. Reach worked
- 21 during his lifetime?
- 22 A. Only what Marie told me.
- 23 Q. What did Marie tell you?
- 24 A. He was in the toy business.
- 25 Q. And what did she tell you about that?

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LaPergola

1 A. Not much, just that he was in the toy  
2 business.

3 Q. Did she tell you where he was in the  
4 toy business?

5 A. Camden.

6 Q. Did she tell you where in Camden?

7 A. No.

8 Q. Did she or Walt or anybody ever tell  
9 you what Walter did before he came to the Camden  
10 area?

11 A. No.

12 Q. What types of jobs he had and where  
13 he worked, what he did?

14 A. No.

15 Q. Other than in the toy business, did  
16 you learn of any other places that he worked at or  
17 other businesses that he owned or operated?

18 A. Pretzel, pretzel business.

19 Q. Did you ever hear of the name J & J  
20 Pretzel Company?

21 A. Yes.

22 Q. What information did you get about it?

23 A. Just that he worked, you know, he owned the  
24 pretzel business, that's all.

25 Q. Now, was he in the pretzel business

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LaPergola

1 when you first met him?

2 A. Yes.

3 Q. And he was regularly going to work at  
4 that time in the pretzel business?

5 A. Yes.

6 Q. Do you know when he stopped with the  
7 pretzel business?

8 A. No, I don't know.

9 Q. Do you know any other businesses he  
10 had after the pretzel business?

11 A. No.

12 Q. Was there a time when he was retired  
13 from business that you know of?

14 A. I don't know.

15 Q. Well, was there a time when he spent  
16 most of his time at home or worked out of his  
17 house?

18 A. When he was making those quill pens, I think,  
19 at home.

20 Q. And when was that?

21 A. Oh, I don't know.

22 Q. As I understand it, there was a  
23 Bicentennial quill pen?

24 A. Yes.

25 Q. That would be around 1976?

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LaPergola

1 A. Yes.

2 Q. So would that --

3 A. I don't know exactly.

4 Q. Did you ever hear of him operating a  
5 pet shop?

6 A. No.

7 Q. Did you ever hear of him operating a  
8 waterbed store?

9 A. A waterbed, I've heard of, Marie mentioned  
10 it.

11 Q. Did you ever go to these places where  
12 he worked?

13 A. No.

14 Q. Did you ever see the operation for  
15 these quill pens?

16 A. At home, I did, at home.

17 Q. All right. Where was this operation  
18 in the home?

19 A. In their basement.

20 Q. Did you see that on occasion?

21 A. Yes, maybe once.

22 Q. What kind of equipment did he have  
23 there?

24 A. I don't know, I wouldn't know.

25 Q. You don't know?

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LaPergola

1 A. No.

2 Q. Do you know any people who worked  
3 with Walter Reach?

4 A. No.

5 Q. Did you ever hear that Walter Reach  
6 went bankrupt at one time?

7 A. No.

8 Q. Do you know where Walter Reach and  
9 Marie Reach lived before they came to Walnut  
10 Street?

11 A. No.

12 Q. No one ever told you?

13 A. No.

14 Q. And I assume you never went out and  
15 saw where they lived?

16 A. No.

17 Q. Do you know what type of recreational  
18 activities Walter was involved in from the time  
19 you knew him?

20 A. Golf, he liked golf.

21 Q. How do you know that?

22 A. From what, you know, Marie told me.

23 Q. And how much did he like golf, what  
24 did she tell you about that? How often did he  
25 play?

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LaPergola

1 A. I don't know.

2 Q. Do you know of any people who played  
3 with him?

4 A. No.

5 Q. Did you ever go out and play golf  
6 with him?

7 A. No.

8 Q. Did your husband ever --

9 A. No.

10 Q. -- play golf with him?  
11 Was your husband a smoker?

12 A. Yes.

13 Q. And how long did he smoke?

14 A. I don't know.

15 Q. Well, let's see, when did he die?

16 A. It was eight years ago on August 10th.

17 Q. So sometime around --

18 A. '70 -- '70? No.

19 Q. Eight years ago would be '77.

20 A. '77.

21 Q. Would it be '76? Was he smoking up  
22 until that time?

23 A. No, he had quit.

24 Q. And how old was he when he died?

25 A. 62.

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LaPergola

1 Q. And what did he die from?

2 A. Leukemia.

3 Q. And do you know how old he was when  
4 he stopped smoking?

5 A. No, I don't know.

6 Q. Do you know how many years it was  
7 from the time he stopped smoking till he died?

8 A. No.

9 Q. Did he quit smoking in the last year  
10 before his death or ten years before that?

11 A. Oh, I would say maybe ten, I'm not sure.

12 Q. How much did he smoke when he was  
13 smoking then, you know, how many packs a day or  
14 how many cigarettes?

15 A. I don't know.

16 Q. You don't know whether he smoked a  
17 pack a day, two packs a day, three packs a day?

18 A. No.

19 Q. Do you know what brands he smoked?

20 A. No, I don't remember.

21 Q. Do you know how it came about that he  
22 gave up smoking cigarettes?

23 A. He had an operation, a kidney operation, and  
24 he gave it up.

25 Q. Anybody tell him to give it up?

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LaPergola

1 A. No.

2 Q. The doctor ever tell him?

3 A. No.

4 Q. Do you know who his doctor was?

5 A. At that time?

6 Q. Yes.

7 A. Ginley, Dr. Ginley.

8 Q. Did you tell him to stop smoking?

9 A. Did I?

10 Q. Yes.

11 A. No.

12 Q. Did he give it up because he thought  
13 it would be better for his health to not smoke?

14 A. I don't know.

15 Q. Did you ever discuss it with him?

16 A. No.

17 Q. After he gave up smoking, would he  
18 also see Walter Reach from time to time?

19 A. Time to time.

20 Q. Do you know whether your husband ever  
21 talked to Walter Reach about Walter smoking?

22 A. No.

23 Q. Do you know whether your husband ever  
24 told Walter to stop smoking?

25 A. No.

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LaPergola

1 Q. Did your husband have any problem in  
2 giving up smoking?

3 A. No.

4 Q. He went cold turkey?

5 A. Yes.

6 Q. When did you give up smoking?

7 A. In November, last November.

8 Q. And why did you give up smoking?

9 A. I had a sister-in-law who had a massive  
10 heart attack and that kind of scared me, so I just  
11 said that's it, I quit.

12 Q. Who was your sister-in-law that had  
13 that massive heart attack?

14 A. Who was she?

15 Q. What's her name?

16 A. Jennie Catroppa.

17 Q. Is she still alive?

18 A. No, she passed away.

19 Q. Where did she live?

20 A. [DELETED]

21 Q. Do you know her address?

22 A. I don't know the number. [DELETED]

23 Q. Is her husband still alive?

24 A. No.

25 Q. Did anybody tell you to stop smoking?

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Lapergola

1 A. No.

2 Q. Or advise you to stop smoking -- you  
3 did this -- I'm sorry, you looked quizzically at  
4 me so -- my question is, did anybody ever tell you  
5 or advise you to stop smoking?

6 A. No.

7 Q. This was your own thought because  
8 your sister-in-law had this massive heart attack?

9 A. Right.

10 Q. I assume you were concerned about  
11 your health.

12 A. Right.

13 Q. And you thought it would be better  
14 for your health that you not smoke.

15 A. Yes.

16 Q. Is that right? Was there any concern,  
17 any disease you were thinking about when you  
18 stopped smoking?

19 A. Cancer, heart attack.

20 Q. You thought if you stopped smoking,  
21 you had less risk of getting lung cancer or a  
22 heart attack, is that correct?

23 A. Yes.

24 Q. Did any doctor advise you to stop  
25 smoking --

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Lapergola

1 A. NO.

2 Q. -- for health reasons? nobody told  
3 you or discussed with you, you ought to stop  
4 smoking, during your smoking lifetime?

5 A. Well, my sons always told me to quit.

6 Q. Do they smoke?

7 A. NO.

8 Q. Did they come home from school at  
9 times and tell you what they learned in health  
10 class that smoking would affect your health?

11 A. When they weren't in school. When they  
12 weren't in school.

13 Q. Would they say, Mom, you ought to  
14 stop smoking, it's going to hurt you, may kill you?

15 A. Yes.

16 Q. You didn't do it, huh?

17 A. Not that time, no.

18 Q. Did you ever try to stop smoking at  
19 that time?

20 A. Yes.

21 Q. How many times have you tried to stop  
22 smoking?

23 A. Quite a few.

24 Q. More than five, less than five?

25 A. I don't know, it's hard to say. 689416078

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Larergola

1 Q. But this time, you were scared?

2 A. Yes, it scared me.

3 Q. And you decided to stop. And you've  
4 stopped since that time.

5 A. Yes.

6 Q. Have any difficulty?

7 A. No.

8 Q. Did you ever talk with Walter Reach  
9 about his smoking--

10 A. No.

11 Q. -- and tell him he ought to stop?

12 A. No.

13 Q. You never talked to Walter Reach  
14 about smoking at all.

15 A. No.

16 Q. Did Walter Reach ever tell you, you  
17 ought to stop smoking?

18 A. No.

19 Q. Did Walter's kids ever tell you, you  
20 ought to stop smoking?

21 A. No.

22 Q. Did Marie Reach ever tell you, you  
23 ought to stop smoking?

24 A. No.

25 Q. Did you ever tell Marie Reach that

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LaPergola

1 she ought to stop smoking?

2 A. No.

3 Q. Do you know of any -- I may have  
4 asked you this, I apologize if I did, do you know  
5 of any people who played golf with Walter on a  
6 regular basis?

7 A. No.

8 Q. Did Walter have a swimming pool in  
9 his house on Walnut Street?

10 A. Yes.

11 Q. Is that above-the-ground pool?

12 A. Yes.

13 Q. Did you go there?

14 A. Yes, the children went.

15 Q. Do you know who took care of that  
16 pool, you know, cleaned it and put in the  
17 chemicals?

18 A. No.

19 Q. Do you know if Walter did?

20 A. No.

21 Q. Do they have a lawn at the Walnut  
22 Street home?

23 A. Yes.

24 Q. Do you know if somebody took care of  
25 that lawn?

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Lavergola

1 A. No.

2 Q. Do you know if Walter took care of  
3 the lawn?

4 A. No, I don't know.

5 Q. When they moved to Washington Terrace,  
6 did they have a swimming pool there?

7 A. Yes.

8 Q. Above-ground pool?

9 A. Yes.

10 Q. Did you go there and visit?

11 A. Occasionally.

12 Q. Did Walter take care of that pool in  
13 any way?

14 A. I don't know.

15 Q. Do you know who would put in any  
16 chemicals that were necessary?

17 A. I don't know.

18 Q. Do you know who took care of the lawn?

19 A. No.

20 Q. Or the other -- did they have a  
21 vegetable garden or any type of garden?

22 A. I don't know.

23 Q. And you don't know who took care of  
24 that.

25 A. No.

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LaPergola

1 Q. Do you know of any clubs or  
2 organizations that Walter belonged to?

3 A. No.

4 Q. How about Marie?

5 A. No.

6 Q. Weren't there any groups that you and  
7 Marie were members of?

8 A. No.

9 Q. Is Marie a Catholic?

10 A. Yes.

11 Q. Are you a Catholic?

12 A. Yes.

13 Q. Do you and Marie go to the same  
14 church?

15 A. Yes.

16 Q. Are you a member of any groups at  
17 that church?

18 A. Beg your pardon?

19 Q. Were you a member of any societies?

20 A. No.

21 Q. Or groups?

22 A. No.

23 Q. What church was that?

24 A. Holy Maternity.

25 Q. And where is that located? 689416082

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LaPergola

1 A. In Audubon.

2 Q. How about Walter, do you know what  
3 his religion was?

4 A. No.

5 Q. Did he ever talk to you about his  
6 religion?

7 A. No.

8 Q. As far as religious beliefs?

9 A. (Witness indicating.)

10 Q. When you went over to the Reach house,  
11 did you ever see any magazines or newspapers  
12 around?

13 A. No.

14 Q. Do you know what Walter read?

15 A. No.

16 Q. Do you know whether he was an avid  
17 reader or didn't care about reading?

18 A. No, I don't know.

19 Q. Do you know whether they ever got  
20 newspapers such as the Courier Post?

21 A. I don't know.

22 Q. You don't know any newspapers that --

23 A. No.

24 Q. How about magazines?

25 A. I don't know.

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LaPergola

1 Q. Did you ever see Reader's Digest at  
2 their home?

3 A. No.

4 Q. How about Golf Digest, did you ever  
5 see that?

6 A. No.

7 Q. How about a magazine that dealt with  
8 nutrition and vitamins called Prevention, did you  
9 ever see that in their home?

10 A. No.

11 Q. Do you know what Walter's views on  
12 vitamins and nutrition was?

13 A. Well, I know he took vitamins.

14 Q. How do you know that?

15 A. From what Marie told me.

16 Q. What did she tell you?

17 A. He was on vitamins.

18 Q. Did she tell you why he took vitamins?

19 A. For health reasons, I guess.

20 Q. Did she specifically say what health  
21 reasons he took them for?

22 A. No.

23 Q. Did you ever talk with Walter about  
24 vitamins or nutrition?

25 A. No.

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LaPergola

1 Q. Did Walter ever talk to you about  
2 anything he read or saw or heard which dealt with  
3 smoking and health?

4 A. No.

5 Q. Do you know what TV shows he liked?

6 A. No.

7 Q. Do you know anything he watched on TV?

8 A. No.

9 Q. Any radio shows he listened to?

10 A. No.

11 Q. Do you know of any people who would  
12 visit socially, were friends of Walter's --

13 A. No.

14 Q. -- that you saw over there. Did you  
15 ever meet his brothers?

16 A. Yes.

17 Q. Which ones?

18 A. He only had one brother, Alfred.

19 Q. Okay. You met Alfred?

20 A. Yes.

21 Q. How many times have you met Alfred?

22 A. Say four or five times.

23 Q. When was the last time you saw Alfred?

24 A. Oh, I don't know. It's been a time, quite  
25 some time.

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LaPergola

1 Q. Over ten years ago?

2 A. Oh, yes.

3 Q. Would you have seen Alfred in the  
4 1960s, 1970s, when you would see Alfred?

5 A. No, I don't remember when it was.

6 Q. Was Alfred working in the South  
7 Jersey area?

8 A. I don't know.

9 Q. Was he working for Walter?

10 A. I don't know.

11 Q. When you saw Alfred, do you know  
12 whether he was a smoker?

13 A. I don't remember.

14 Q. Did you ever see Alfred's wife?

15 A. Yes.

16 Q. What's her name?

17 A. Sarah.

18 Q. How many times did you see her?

19 Would you see her every time you saw Alfred, would  
20 she be along?

21 A. Yes.

22 Q. Do you know whether she was a  
23 cigarette smoker?

24 A. I don't know.

25 Q. Did you ever meet Walter's parents?

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LaPergola

1 A. Once or twice.

2 Q. Do you know what their attitude or  
3 feeling was about smoking?

4 A. No.

5 Q. Do you know any health problems that  
6 Walter had up until the time he died?

7 A. No.

8 Q. Did you ever hear that he had trouble  
9 with his stomach?

10 A. Oh, yes, he did have three-quarters of his  
11 stomach removed.

12 Q. And do you remember when that  
13 occurred?

14 A. No.

15 Q. Did you ever visit him in any  
16 hospital he was staying in?

17 A. I believe I did, when he had his stomach  
18 removed.

19 Q. If I were to tell you that there's a  
20 record that he was at St. Luke's Hospital in  
21 January of 1973, subtotal gastrectomy, which I  
22 understand is removal of a portion of the stomach,  
23 does that refresh your recollection? Would that  
24 have been the time you went to the hospital, St.  
25 Luke's, does that ring a bell?

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LaPergola

1 A. I can't remember the hospital, but I believe  
2 I did visit him once.

3 Q. Did you know whether there was a  
4 change in Walter in his weight before he had the  
5 stomach problem and operation and afterwards?

6 A. No.

7 Q. Did he seem to be heavier at one time  
8 and then slim down after this?

9 A. I don't know.

10 Q. Do you know whether there was a  
11 change in any of his eating habits at any time?

12 A. No.

13 Q. Do you know what types of food he ate?

14 A. No.

15 Q. Did Marie ever talk to you about what  
16 she bought when she went shopping?

17 A. No.

18 Q. Did you and Marie ever go shopping  
19 together?

20 A. Yes.

21 Q. What market did you frequent?

22 A. What market?

23 Q. Do you have a favorite, are you a  
24 Pathmark --

25 A. Shop'n'Bag.

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LaPergola

1 Q. Shop'n'Bag, okay. Which Shop'n'Bag?

2 A. On Crystal Lake Avenue.

3 Q. Excuse me?

4 A. Crystal Lake Avenue in Audubon.

5 Q. Did you and Marie talk about any type --  
6 when she'd buy food, would she indicate to you  
7 that she'd buy certain foods for Walter --

8 A. No.

9 Q. -- because of his stomach problem?

10 A. No.

11 Q. Do you know if Walter was a person  
12 who would consume alcohol? Did he drink?

13 A. Yes.

14 Q. What can you tell me about what you  
15 noticed in his drinking, was he a big drinker,  
16 light drinker?

17 A. Social.

18 Q. Social?

19 A. Yes.

20 Q. What does that mean?

21 A. I don't know how much he drank.

22 Q. Well, did you ever see him with a  
23 glass that looked like he had alcohol in it  
24 drinking it?

25 A. Yes.

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LaPergola

1 Q. Do you know what his favorite drink  
2 was?

3 A. No.

4 Q. You don't know whether he drank gin,  
5 gin and tonic or whiskey?

6 A. No.

7 Q. Did you ever socialize with him, go  
8 to parties, social events, anything where there  
9 would be alcohol served?

10 A. My son's wedding, he was at my son's wedding.

11 Q. When was that?

12 A. Five years ago, April.

13 Q. And which son was that?

14 A. Kevin.

15 Q. And did you see him drinking at that  
16 time?

17 A. No.

18 Q. Do you know whether, over the years,  
19 he drank more or less?

20 A. No.

21 Q. Do you know whether somebody told him  
22 or a doctor told him because of his stomach  
23 problem, he should cut down --

24 A. No.

25 Q. -- or stop drinking alcohol? 689416090

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LaPergola

1 A. No, I don't know.

2 Q. Do you know whether he ever had an  
3 operation on his head?

4 A. No.

5 Q. Did you ever hear of him going in to  
6 have a blood clot removed from his head?

7 A. No.

8 Q. Did you ever hear of him being  
9 involved in any auto accidents?

10 A. I don't remember.

11 Q. Did you visit him in the hospital  
12 when he was at Temple University Hospital in  
13 August of '82, some three or four months before he  
14 died?

15 A. No.

16 Q. What kind of a person was Walter  
17 Reach?

18 A. Very nice person.

19 Q. Was he a nervous person?

20 A. No.

21 Q. Was he a calm person? Was he calm?

22 A. Yes.

23 Q. Always seemed calm to you?

24 A. Yes.

25 Q. When you would see him, did you ever

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LaPergola

1 notice him doing anything that would show he was  
2 nervous or anxious?

3 A. No.

4 Q. Do you know whether, from either  
5 learning this from observing him or talking to him  
6 or talking to Marie, what kind of a person he was  
7 about work? Was he a hard working guy or a guy  
8 who liked to take it easy?

9 A. I don't know.

10 Q. Do you know whether he was a person  
11 who, when he did something, was a perfectionist or  
12 he was kind of sloppy?

13 A. I don't know.

14 Q. Did you ever see him get upset?

15 A. No.

16 Q. Do you know whether he and Marie were  
17 ever separated?

18 A. No.

19 Q. Did Marie ever talk about any hint of  
20 separation?

21 A. No.

22 Q. Do you know of any lawsuits that Mr.  
23 Reach was involved in --

24 A. No.

25 Q. -- before this lawsuit? 689416092

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LaPergola

1 Did Marie ever tell you that doctors  
2 had told Walter that he should cut down on his  
3 drinking?

4 A. No.

5 Q. Did you ever see Walter drinking  
6 coffee?

7 A. Coffee? I don't remember if he was a coffee  
8 drinker.

9 Q. Did Marie tell ever tell you he was a  
10 coffee drinker?

11 A. No.

12 Q. Do you know if he took any  
13 medications, did you learn from any source whether  
14 he was taking medications during his lifetime?

15 A. No.

16 Q. Did his wife ever tell you he was  
17 taking sleeping pills?

18 A. No.

19 Q. Tranquilizers?

20 A. No.

21 Q. As far as you know, how did you  
22 consider his state of health, from what you saw?  
23 Did he look like a healthy man?

24 A. At what time? What do you mean?

25 Q. Well, from the first time you knew

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LaPergola

1 him until the end, how would you characterize how  
2 he looked to you, his state of health?

3 A. He looked healthy to me.

4 Q. Did anybody ever tell you that any of  
5 his family, Walter's family, had any health  
6 problems?

7 A. No.

8 Q. Did anyone ever say his sister died  
9 from cancer?

10 A. Oh, yes, Marie did mention that to me.

11 Q. What did she tell you?

12 A. That she had breast cancer.

13 Q. That's Mildred Anderson?

14 A. Yes.

15 Q. How about anybody else who in his  
16 family?

17 A. No.

18 Q. When you first met Walter, was he a  
19 smoker?

20 A. I don't remember.

21 Q. Did you determine at some point he  
22 was a smoker?

23 A. I don't remember.

24 Q. Did he ever smoke in front of you?

25 A. When I first met him?

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LaPergola

1 Q. Yes.

2 A. I don't remember.

3 Q. Well --

4 A. It's been so long.

5 Q. Well, at some point in time, did your  
6 mind say to you that this guy smokes cigarettes?

7 A. No.

8 Q. You mean he wasn't a cigarette smoker?

9 A. I don't know, I didn't -- I don't remember  
10 when I first met him.

11 Q. Well, do you know whether Walter  
12 Reach smoked cigarettes?

13 A. At the time of his death, yes.

14 Q. But before his death, did he ever  
15 smoke cigarettes?

16 A. Oh, yes, but --

17 Q. Well, how do you know that?

18 A. I mean, when I first met him -- you said  
19 when I first met him. I don't remember that.

20 Q. I don't mean the first moment that  
21 you saw him --

22 A. Oh.

23 Q. -- you know, was he smoking and he  
24 came up to you and flicked an ash at you. I'm  
25 saying, over the years, did you determine that he

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LaPergola

1 was a cigarette smoker?

2 A. Yes.

3 Q. And that's by seeing him?

4 A. Yes.

5 Q. And did his wife say to you he was a  
6 cigarette smoker?

7 A. No.

8 Q. You just saw him.

9 A. Yes.

10 Q. Would I be fair in saying almost  
11 every time you saw him, he was smoking a cigarette?

12 A. I don't remember.

13 Q. Do you know how much he smoked?

14 A. No.

15 Q. Do you know what brands he smoked  
16 during the years that you knew him?

17 A. Well, before he passed away, he was Benson &  
18 Hedges Gold, I believe, yes.

19 Q. Benson & Hedges Gold? And he passed  
20 away in November of 1982, isn't that correct?

21 A. I don't know the exact date.

22 Q. Well, he died in November of 1982.  
23 For how long before he died was he smoking Benson  
24 & Hedges Gold?

25 A. Oh, I don't know.

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LaPergola

1 Q. Smoking it for all of 1982?

2 A. I wouldn't know.

3 Q. '81?

4 A. I don't know.

5 Q. Do you remember him smoking any other  
6 brand other than Benson & Hedges?

7 A. No.

8 Q. Can you tell us how many cigarettes a  
9 day or packs a day he smoked?

10 A. No.

11 Q. Did Marie ever tell you?

12 A. No.

13 Q. Did you learn from any other source?

14 A. No.

15 Q. Do you know whether he smoked filter  
16 or nonfilter?

17 A. I don't know.

18 Q. Do you know what the Benson & Hedges  
19 pack looked like, the pack that he was smoking?

20 A. Yes.

21 Q. What color was it?

22 A. Gold.

23 Q. And in the 28 years that you knew him,  
24 Benson & Hedges Gold is the only brand that you  
25 can testify under oath you know that he smoked.

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LaPergola

1 A. Yes.

2 Q. And you don't know how much --

3 A. It I --

4 Q. Excuse me, you don't know how many  
5 cigarettes he smoked a day?

6 A. No.

7 Q. Or a week or a month or a year, right?

8 A. No, I don't.

9 Q. And you don't know how long he smoked  
10 Benson & Hedges Gold.

11 A. No.

12 Q. Did you ever talk to Mr. Reach about --  
13 or did you learn from him when he started -- first  
14 started the smoking cigarettes?

15 A. No.

16 Q. Did anybody ever tell you?

17 A. No.

18 Q. So you don't know whether he started  
19 smoking when he was 45 or he was 15?

20 A. No.

21 Q. Is that right?

22 A. I don't know.

23 Q. You don't know why he first started  
24 smoking?

25 A. No.

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Lapergola

1 Q. And you don't know why he continued  
2 smoking?

3 A. No.

4 Q. Did he ever discuss cigarette  
5 advertising with you?

6 A. No.

7 Q. Did Marie ever discuss cigarette  
8 advertising with you?

9 A. No.

10 Q. Did you ever talk to his parents  
11 about his smoking?

12 A. No.

13 Q. Did you ever talk to his brother  
14 about his smoking?

15 A. No.

16 Q. Did you ever talk to her brothers  
17 about his smoking?

18 A. No.

19 Q. Is Marie Reach a smoker?

20 A. Is she a smoker?

21 Q. Yes.

22 A. Yes.

23 Q. And how long has she been smoking?

24 A. As long as I've known her.

25 Q. 28 years or so, maybe more, now.

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LaPergola

1 About 30 years, right?

2 A. Yes.

3 Q. And you were smoking back at the time  
4 she was smoking.

5 A. Right.

6 Q. And over the years, how many packs of  
7 cigarettes did you smoke then or how many  
8 cigarettes?

9 A. Pack.

10 Q. Pack?

11 A. Pack a day.

12 Q. How about Marie?

13 A. I don't know.

14 Q. Do you know what brands Marie smoked  
15 during the years?

16 A. Benson & Hedges, she smokes.

17 Q. Benson & Hedges?

18 A. Lights.

19 Q. Lights?

20 A. Yes.

21 Q. For how long has she been smoking  
22 Benson & Hedges?

23 A. I don't know.

24 Q. Did you and Marie ever talk about  
25 smoking and its effects on your health during the

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LaPergola

1 years?

2 A. Not really.

3 Q. Never talked about, hey, you know, we  
4 ought to think about quitting smoking, never  
5 discussed that?

6 A. No.

7 Q. Do you remember when the Surgeon  
8 General's report came out in 1964, talking about  
9 smoking and health?

10 A. Yes.

11 Q. Did you hear about it?

12 A. Yes.

13 Q. Did you ever discuss it with Mrs.  
14 Reach?

15 A. No.

16 Q. Ever discuss it with Walter?

17 A. No.

18 Q. Did he ever discuss it?

19 A. No.

20 Q. Did Marie ever say that she tried to  
21 stop smoking during her lifetime?

22 A. I don't know.

23 Q. Did Walter ever tell you he tried to  
24 stop smoking?

25 A. No.

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LaPergola

1 Q. Did Walter ever tell you he wanted to  
2 stop smoking?

3 A. No.

4 Q. Did Marie ever tell you that Walter  
5 tried to stop smoking?

6 A. Yes.

7 Q. When was the first time you can  
8 recall Marie ever telling you that Walter tried to  
9 stop smoking?

10 A. I don't remember.

11 Q. Was it 30 years ago when you first  
12 met or was it --

13 A. I don't remember. I can't say.

14 Q. You can't say.

15 A. No.

16 Q. It wasn't in the last two years or 20  
17 years ago?

18 A. No, I don't remember.

19 Q. Well, what did she say to you about  
20 Walter trying to stop smoking?

21 A. She just said he tried, but he couldn't.

22 Q. Well, did she tell you how he tried  
23 and when he tried?

24 A. By hypnosis.

25 Q. By hypnosis. Did she tell you

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LaPergola

1 anything about this hypnosis?

2 A. No.

3 Q. Did she tell you who performed the  
4 hypnosis?

5 A. No.

6 Q. Did she tell you how he was  
7 hypnotized?

8 A. No.

9 Q. Did she tell you how many times he  
10 went to see the person that did the hypnosis?

11 A. No.

12 Q. Did she tell you how long he had  
13 stopped smoking?

14 A. I believe she said nine months.

15 Q. Do you know what year or what decade  
16 the hypnosis took place?

17 A. No, I don't remember, I don't know.

18 Q. Is there anything else you can  
19 remember about it in dealing with his hypnosis?

20 A. No.

21 Q. Other than his period of hypnosis,  
22 did she ever tell you that Walter tried to stop  
23 smoking again?

24 A. No.

25 Q. And I'm correct that Walter never

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LaPergola

1 told you --

2 A. No.

3 Q. -- about this hypnosis?

4 A. No.

5 Q. Never told you about him trying to  
6 stop smoking?

7 A. No.

8 Q. Do you have a recollection of seeing  
9 Walter in this nine-month period of time while he  
10 was being hypnotized?

11 A. No, I don't remember.

12 Q. When you saw Walter smoking, did he  
13 inhale?

14 A. Oh, I don't know.

15 Q. Did he smoke one cigarette after  
16 another or can you describe how he smoked?

17 A. No.

18 Q. Would you consider him a chain-smoker?

19 A. Oh, I don't know.

20 Q. Do you know what I'm talking about,  
21 chain-smoker, one --

22 A. Yes, one after the other.

23 Q. Do you know?

24 A. No.

25 Q. Would he light cigarettes up with the

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LaPergola

1 butt of the cigarette he was finishing, light up  
2 another one?

3 A. I never noticed.

4 Q. Did they seem to have ashtrays filled  
5 in their house with cigarette butts?

6 A. I don't know.

7 Q. Did they have any holes in the  
8 carpets that looked like --

9 A. Yes, that, they had.

10 Q. It looked like from cigarettes or  
11 some kind of burns?

12 A. Yes, yes.

13 Q. Did you ever ask or inquire about  
14 that?

15 A. No.

16 Q. Did anybody make any comments about --

17 A. Well, Marie did, yes.

18 Q. What did she say?

19 A. She just said she had cigarette burns in her  
20 carpet.

21 Q. Did she tell you who put the burns  
22 there?

23 A. (Witness indicating.)

24 Q. Who?

25 A. Walt.

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LaPergola

1 Q. Did you ever see Walter using any  
2 type of filtering device --

3 A. No.

4 Q. -- a cigarette holder? Do you know  
5 whether he smoked filter or nonfilter cigarettes?

6 A. No.

7 Q. Did Walter ever tell you he enjoyed  
8 smoking cigarettes?

9 A. No.

10 Q. Did he ever tell you why he smoked  
11 cigarettes?

12 A. No.

13 Q. Did you ever ask him?

14 A. No.

15 Q. And Walter never told you that you  
16 ought to stop smoking, is that right?

17 A. No.

18 Q. Marie never told you, you ought to  
19 stop smoking?

20 A. No.

21 Q. Did Walter ever tell you that he knew  
22 that smoking cigarettes was bad for his health?

23 A. No.

24 Q. Did he mention anything to do with  
25 smoking and health to you?

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LaPergola

1 A. No.

2 Q. Did Marie ever mention anything that  
3 Walter said about smoking and health?

4 A. No.

5 Q. Did she ever say that Walter thought  
6 that if he took vitamins, he wouldn't get any type  
7 of cancer or any problems from his smoking?

8 A. No.

9 Q. Did she mention anything that he  
10 thought about with regard to his taking of  
11 vitamins?

12 A. Oh, I guess he just -- I don't know, he just  
13 took vitamins. I don't know for what reason.

14 Q. Do you know if any person ever told  
15 Walter to stop smoking?

16 A. No.

17 Q. Did his kids tell him to stop smoking?

18 A. I don't know.

19 Q. His in-laws, the Costino brothers  
20 ever talk to him about not smoking?

21 A. I don't know.

22 Q. Were you ever in the company of any  
23 of the Costino brothers with Walter, were you ever  
24 in their company?

25 A. Maybe once or twice. I don't remember.

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LaPergola

1 Q. Did they ever discuss stopping  
2 smoking during that --

3 A. No.

4 Q. Did Walter ever tell you that he saw  
5 or read or heard anything that said smoking was  
6 good for you?

7 A. No.

8 Q. Anything he said that smoking  
9 wouldn't give you cancer or any other problems?

10 A. No.

11 Q. Did you ever meet Dr. Jules  
12 Borenstein?

13 A. Once or twice.

14 Q. Where did you meet him?

15 A. Went over to Philadelphia with Marie when  
16 she went, you know, to the doctor.

17 Q. Do you know if Dr. Borenstein was a  
18 smoker?

19 A. I don't know.

20 Q. Did you ever notice -- where did you  
21 go, Allegheny Avenue?

22 A. His old office. I don't know where that was.

23 Q. It was in the City of Philadelphia?

24 A. Yes.

25 Q. Did he have any no smoking signs in

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LaPergola

1 the office?

2 A. I don't remember.

3 Q. Did Marie ever tell you that Dr.

4 Borenstein told Walter, you ought to stop smoking?

5 A. No.

6 Q. Do you know of any other doctors that

7 Walter knew?

8 A. No.

9 Q. Is there a nephew by the name of

10 Jerry Costino?

11 A. Oh, yes.

12 Q. Did you ever see him?

13 A. Yes.

14 Q. How many times have you been in his

15 company?

16 A. I don't know if I've ever been in his

17 company.

18 Q. Well, you've seen him?

19 A. Yes, when he was younger.

20 Q. You haven't seen him as a doctor?

21 A. (No response.)

22 Q. I mean you haven't seen him since

23 he's become a physician?

24 A. Maybe once, I don't remember.

25 Q. Do you know what list attitude toward

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LaPergola

1 smoking is?

2 A. No.

3 Q. Do you know whether he told Walter to  
4 stop smoking?

5 A. No.

6 Q. Did you ever see Dr. Costino in the  
7 last three or four months before Walter died?

8 A. No.

9 Q. Do you know whether he ever came over  
10 and treated Walter?

11 A. No, I don't know.

12 Q. Do you know what Walter's feeling was  
13 about doctors and the medical profession?

14 A. No.

15 Q. Did Marie ever make any comments  
16 about how he felt about doctors?

17 A. No.

18 Q. Did Walter ever tell you about any  
19 feelings he had about how he wanted to be buried?

20 A. Well, Marie mentioned he wanted to be  
21 cremated.

22 Q. And when did she tell you that?

23 A. Oh, I don't remember when she told me, but  
24 she had mentioned it.

25 Q. Well, did she mention it before he

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LaPergola

1 died?

2 A. I don't remember.

3 Q. Did Marie ever mention that Walter  
4 had any feelings against autopsies?

5 A. No.

6 Q. Did Walter ever say anything like  
7 that?

8 A. No.

9 Q. Did Walter ever discuss the Surgeon  
10 General's reports on smoking and health with--

11 A. No.

12 Q. -- or anything he read or saw that  
13 dealt with smoking and health?

14 A. No.

15 Q. Did Marie?

16 A. No.

17 Q. Did either of them ever discuss  
18 warnings on the packages of cigarettes? You are  
19 familiar with the warnings, aren't you?

20 A. Yes.

21 Q. Did he ever talk to you about these?

22 A. No.

23 Q. Did you ever notice Walter coughing?

24 A. Coughing, no, I don't think so, I don't  
25 remember, no.

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LaPergola

1 Q. Did Walter ever complain to you about  
2 any headaches or dizziness?

3 A. No.

4 Q. Did Marie ever say he had any of this?

5 A. No.

6 Q. Did you ever see him with a nervous  
7 twitch of any type?

8 A. No.

9 Q. Other than what you know about his  
10 stomach problem and the last illness he had, do  
11 you know of any other physical or medical problems  
12 he had?

13 A. No..

14 Q. Did he ever tell you he saw doctors  
15 or went to the hospital for anything else?

16 A. No.

17 Q. Do you know of any -- I may have  
18 asked you this -- of any accidents he had?

19 A. I don't remember.

20 Q. Did you ever hear of him being hurt  
21 in Bermuda?

22 A. Yes, I think Marie did mention that to me.

23 Q. What did she tell you?

24 A. It was on a motorbike or something? I don't  
25 know, I don't remember.

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LaPergola

1 Q. Did she tell you what parts of his  
2 body got hurt and how he was hurt?

3 A. No.

4 Q. Did he look any different at that  
5 time when he was hurt in the moped accident or the  
6 motorbike accident?

7 A. No, not that I remember.

8 Q. Were you ever told about an  
9 automobile accident?

10 A. No.

11 Q. Do you know how Walter made a living  
12 from the time he was making those quill pens until  
13 the time he died, what kind of -- what he was  
14 doing for a living?

15 A. No.

16 Q. Did Marie ever talk to you about how  
17 they were taking care of the finances, where the  
18 money was coming from?

19 A. No.

20 Q. Do you know whether he was on Social  
21 Security or he had other income? Was that ever  
22 discussed?

23 A. No.

24 Q. Did you ever hear from Walter or  
25 Marie any people that Walter knew that got lung

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LaPergola

1 cancer or had lung cancer?

2 A. No.

3 Q. Did you ever hear of a fellow by the  
4 name of Jim Sarli?

5 A. Oh, yes, a friend of theirs.

6 Q. Did you ever meet Mr. Sarli?

7 A. No.

8 Q. What did you hear from Mr. Sarli?

9 A. Just from what Marie told me, that he was  
10 ill.

11 Q. What did she tell you? He was ill?

12 A. Yes.

13 Q. Did she tell you he was a smoker?

14 A. No.

15 Q. Do you know Walter -- did she tell  
16 you Mr. Sarli died?

17 A. Yes.

18 Q. Do you know if his death affected  
19 Walter in any way?

20 A. I don't know.

21 Q. Did Marie ever talk to you about this  
22 lawsuit before Walter died?

23 A. No.

24 Q. Did Walter ever talk to you about --

25 A. No.

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LaPergola

1 Q. -- his intention to file any lawsuit?

2 A. No.

3 Q. Did the kids --

4 A. No.

5 Q. -- Susan or Gary? Did you see  
6 Walter before he went into the hospital in August  
7 of '82, over at Temple Hospital?

8 A. I might have seen him at home.

9 Q. Back in '82, from January to August,  
10 how often were you going to the Reach residence?

11 A. I'd go in the evening to see Marie when he  
12 was very ill.

13 Q. He went into the hospital in August  
14 of 1982. I'm talking about the period before then,  
15 the first six or seven months --

16 A. No.

17 Q. -- how often would you go over to the  
18 house?

19 A. Not often.

20 Q. Once a month?

21 A. Oh, I don't remember.

22 Q. How often in that period of time from  
23 January of 1982 to the time that he got out of  
24 Temple Hospital in August of '82, how often did  
25 you see Walter during that period of time?

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Lapergoia

1 A. Maybe once a week. I don't remember.

2 Q. what can you tell me, how did he look?

3 A. When he came out of the hospital?

4 Q. No, I'm talking about from January  
5 until he went into the hospital in August.

6 A. Oh, I don't remember. I didn't see him that  
7 often.

8 Q. Did you notice anything unusual about  
9 him?

10 A. No.

11 Q. He looked perfectly okay to your

12 A. I don't remember.

13 Q. Did he look any different in weight  
14 during that period of time? This is before he  
15 went to the hospital in August.

16 A. I don't remember.

17 Q. you didn't go to the hospital at  
18 temple?

19 A. No.

20 Q. when he came back, did you see him  
21 from that time till he died?

22 A. When he came out of the hospital?

23 Q. yes.

24 A. Yes.

25 Q. And you went over every night, you

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Lapergola

1 said?

2 A. Yes, I would go sit with Marie.

3 Q. And did you talk to Walter during  
4 that period of time?

5 A. Briefly.

6 Q. Well, every time you went over, would  
7 you go to talk to Walter, also?

8 A. Just to say hello.

9 Q. And when you saw Walter in August,  
10 September and October and November, would he  
11 respond to you? If you said hello to him, would  
12 he say hello back to you?

13 A. Oh, yes.

14 Q. He was able to talk?

15 A. Yes.

16 Q. He was able to walk around the house?

17 A. In the beginning, I think.

18 Q. Was there a time when he was off his  
19 feet in bed all the time, that you saw him?

20 A. Oh, yes.

21 Q. And how soon before his death was  
22 that?

23 A. Maybe a week. I don't remember.

24 Q. Did you ever have any more of a  
25 conversation than just hello, how are you?

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LaPergola

1 A. NO.

2 Q. Never talked to him any more?

3 A. NO.

4 Q. Did he ever tell you what he was  
5 suffering from?

6 A. No.

7 Q. Did Marie ever tell you what he was  
8 suffering from?

9 A. Yes.

10 Q. What did she tell you?

11 A. She said he had lung cancer.

12 Q. Did Marie ever tell you that anybody  
13 told her where this or how this lung cancer was  
14 caused?

15 A. No.

16 Q. Did Walter know he had lung cancer,  
17 as far as you know?

18 A. I don't know.

19 Q. Did he ever tell you he had lung  
20 cancer?

21 A. No.

22 Q. Did Walter ever tell you that he was  
23 thinking about starting a suit against cigarette  
24 companies?

25 A. No.

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LaPergola

1 Q. Did Walter ever tell you the  
2 condition he had was caused by smoking?

3 A. No.

4 Q. During that period of time from  
5 August to November when he died, did you see Susan  
6 Reach at the house?

7 A. No.

8 Q. How about Gary Reach?

9 A. Occasionally.

10 Q. Did Susan at any time ever tell you  
11 they were planning to start a lawsuit?

12 A. No.

13 Q. Did Marie ever tell you that Walter  
14 was having problems with his mind at any time  
15 during his lifetime?

16 A. No.

17 Q. Did Marie ever tell you that he had  
18 problems remembering things at any time in his  
19 lifetime?

20 A. No.

21 Q. Did you ever notice at any time in  
22 his lifetime he had problems in remembering  
23 anything?

24 A. No.

25 Q. As far as you're concerned, he knew

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LaPergola

1 who you were?

2 A. Yes.

3 Q. And he remembered everything you  
4 thought was necessary?

5 A. Yes. I don't -- I didn't see Walt that  
6 often, you know.

7 Q. Do you know whether Walter smoked  
8 cigarettes from the time he came back from the  
9 hospital in August to the time of his death?

10 A. I don't remember.

11 Q. Do you know if Marie continued to  
12 smoke cigarettes during that period of time from  
13 August of '82 until the time he died?

14 A. Yes.

15 Q. Was she smoking her regular pack a  
16 day?

17 A. I don't know.

18 Q. When you would come over to the house,  
19 did both of you light up cigarettes?

20 A. Yes.

21 Q. Did you smoke in any specific place  
22 in the house? Now, I'm talking about from August  
23 of '82 until the time he died, when you'd come  
24 over to visit her every night, did you have  
25 cigarettes together?

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LaPergola

1 A. Yes.

2 Q. Any particular place in the house?

3 A. Kitchen, we were having coffee, or her porch.

4 Q. Would both you and she or either of  
5 you smoke in front of Walter at that time?

6 A. No.

7 Q. Have you talked to Marie or the  
8 children about this lawsuit since his death?

9 A. No.

10 Q. Did you ever see any doctor come over  
11 or at the house during that period of time he came  
12 out of the hospital in August of '82 until the  
13 time he died?

14 A. No.

15 Q. Do you know anything about the  
16 funeral arrangements, how they were handled?

17 A. No.

18 Q. Where were you when he died?

19 A. I was at my niece's.

20 Q. Where is that?

21 A. Berlin, when Susan called me.

22 Q. Okay. Do you know how soon after he  
23 died you got the call?

24 A. No -- well, I know he died early in the  
25 morning.

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LaPergola

1 Q. Did you get the call sometime the  
2 same day that he died?

3 A. Yes.

4 Q. Within hours?

5 A. Hours, but I don't remember exactly.

6 Q. Did you come from your cousin's house  
7 and go to the Reach house that day?

8 A. Yes, later on in the evening.

9 Q. Was he removed out of the house by  
10 that time?

11 A. Yes.

12 Q. Was there any discussion about  
13 funeral arrangements at that time?

14 A. No.

15 Q. Was there a discussion about him  
16 being cremated?

17 A. No.

18 Q. Was there any discussion about  
19 getting a death certificate signed?

20 A. No.

21 Q. At any time before his death, did  
22 Marie ever see a psychiatrist?

23 A. No.

24 Q. Do you know whether she saw a  
25 psychiatrist since the time of his death?

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LaPergola

1 A. No.

2 Q. Did she ever tell you that she talked  
3 to a Dr. Jaffe?

4 A. No.

5 MR. DROZDOWSKI: Can we have a  
6 five-minute break?

7 MR. MARCONI: You can have a  
8 ten-minute break if you want.

9 MR. DROZDOWSKI: We'll take a  
10 ten-minute break.

11 (Recess at 11:00 a.m.)

12 (Resumed at 11:10 a.m.)

13 BY MR. DROZDOWSKI:

14 Q. Mrs. LaPergola, I just have a few  
15 more questions. Since Mr. Reach's death up to the  
16 present time, you have talked to Mrs. Reach about  
17 this lawsuit, haven't you?

18 A. Yes.

19 Q. And what has she told you about this  
20 lawsuit?

21 A. Nothing much, just that, you know, suing the  
22 cigarette company, that's all I know.

23 Q. Did she ever tell you why he was  
24 bringing a lawsuit?

25 A. No.

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LaPergola

1 Q. Did she tell you that people might be  
2 contacting you to find out what you know about --

3 A. Yes.

4 Q. And in fact, did you tell her that  
5 people have been in contact with you?

6 A. Yes.

7 Q. And did you talk about being a  
8 witness with her?

9 A. You mean about coming --

10 Q. Yes.

11 A. Yes.

12 Q. What did she tell you?

13 A. She just says, tell them the truth, what you  
14 know.

15 Q. Did you talk to her once or more than  
16 once about this lawsuit?

17 A. No -- maybe once.

18 Q. How much time did you spend talking  
19 to her about this lawsuit?

20 A. Not much.

21 Q. Five minutes?

22 A. Just mentioned it.

23 Q. That's all.

24 A. Yes.

25 Q. So you're saying over the last two

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LaPergola

1 years or more since her husband has died, you only  
2 talked with her about five minutes about this  
3 lawsuit?

4 A. Yes.

5 Q. Did you ever talk to Marge Siderio  
6 about this lawsuit?

7 A. No.

8 Q. Do you know that Marge Siderio was  
9 deposed like you were?

10 A. Yes.

11 Q. How did you learn that?

12 A. She told me.

13 Q. Well, did she tell you about the  
14 lawyers asking her questions?

15 A. Yes.

16 Q. Did she tell you about the kinds of  
17 questions they would be asking?

18 A. Yes, she mentioned it.

19 Q. Did she discuss with you how you  
20 ought to answer questions?

21 A. No.

22 Q. Did you meet with anybody today  
23 before coming in to testify?

24 A. No.

25 Q. Did you talk to Mr. Marconi? 689-416125

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LaPergola

1 A. Just Mr. Marconi.

2 Q. And did he explain what a deposition  
3 was?

4 A. Yes.

5 Q. Did he tell you that you were going  
6 to be asked certain questions?

7 A. Yes.

8 Q. Did he tell you that you were going  
9 to be asked certain questions about Mr. Reach's  
10 smoking habits?

11 A. No, just said they were going to ask me  
12 questions.

13 Q. Did he tell you what areas they were  
14 going to ask you a question about?

15 A. No.

16 Q. Didn't say they were going to ask you  
17 how much Mr. Reach smoked?

18 A. No.

19 Q. Never said that to you?

20 A. No.

21 Q. He didn't tell you that we'd be  
22 asking about what you knew about Marie Reach's  
23 smoking?

24 A. No.

25 Q. Well, how long were you and he

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LaPergola

1 together?

2 A. 20 minutes.

3 Q. And during that period of time, what  
4 did he say to you?

5 A. Just said that they were going to be asking  
6 me questions, that was it.

7 Q. And did he tell you what areas or how  
8 the questions would be asked?

9 A. No.

10 Q. Did he tell you how you should  
11 respond to these questions?

12 A. Just tell the truth, tell them what you know.

13 Q. That took 20 minutes?

14 A. Well, we had coffee and --

15 Q. Did you ever talk to Susan Reach  
16 about this lawsuit?

17 A. No.

18 Q. The sister-in-law -- your  
19 sister-in-law, what's her name again, that died of  
20 a heart attack?

21 A. Jennie Catroppa.

22 Q. Was Jennie a smoker?

23 A. Yes.

24 Q. And how long had she been smoking?

25 A. Years. I can't pinpoint it, but I know a

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Lapergola

1 long time.

2 Q. 20-30 years?

3 A. Probably more than that. I don't know.

4 Q. Was she a heavy smoker?

5 A. Yes.

6 Q. Two to three pack a day?

7 A. Yes.

8 Q. When you heard that she had this  
9 massive heart attack, in your mind, did you think  
10 that that heavy smoking contributed to this heart  
11 attack?

12 A. Well, when she went to the hospital, they  
13 told me that all this black stuff came out of her  
14 and that's what scared me, you know. I figured it  
15 was nicotine. I don't know.

16 Q. Did you ever tell your sister-in-law  
17 to stop smoking --

18 A. No.

19 Q. -- before she had a heart attack?  
20 Did she live for any period of time--

21 A. No.

22 Q. -- after this heart attack?

23 A. She never came out of the hospital. Never  
24 talked to her.

25 Q. You've told us a lot of things that

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LaPergola

1 you and Marie didn't talk about. What interest

2 did you and Marie have in common?

3 A. Well, when the kids were little, the  
4 children, and just ordinary talk, you know.

5 Q. Well, like what?

6 A. Oh, I don't know, just talk.

7 Q. You've told me a lot of things that  
8 you never discussed. I'm just trying to figure  
9 out, you were with her for --

10 A. She tells me about her work now, when she  
11 comes home, you know.

12 Q. Over the years, you never talked  
13 about smoking and health, you never talked about  
14 her husband. What did you talk about?

15 A. We didn't talk about smoking, because we  
16 both smoked. What was there to talk about?

17 Q. Well, other than the kids, what else  
18 did you have in common that you talked about?

19 A. Oh, I don't know, just woman talk.

20 Q. Movies?

21 A. Television.

22 Q. How did this conversation come up  
23 about hypnosis?

24 A. Oh, I don't remember how.

25 Q. When she brought it up, was her

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LaPergola

1 husband undergoing hypnosis or had he already  
2 completed the hypnosis or was he going to start  
3 hypnosis?

4 A. I think he had, you know, that was past.

5 Q. Did she say that the hypnosis stopped  
6 him for, I think you said, nine months?

7 A. That's what she said when she told me.

8 Q. And during that period of time, you  
9 noticed nothing different about him.

10 A. No.

11 Q. You can't -- he seemed his normal  
12 self?

13 A. I didn't see him that often.

14 Q. But he seemed his normal self.

15 A. Yes.

16 Q. You don't have any recollection of  
17 anything being different about him?

18 A. No.

19 Q. He didn't seem nervous or upset?

20 A. No.

21 Q. He wasn't holding things in his hands  
22 and putting them to his mouth, like sticks or --

23 A. No.

24 Q. -- pieces of pens or anything like  
25 that?

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LaPergola

1 A. No.

2 Q. How many times did you go over to Dr.  
3 Borenstein's office with Mrs. Reach?

4 A. Once or twice at the most.

5 Q. Was it always the same office or did  
6 he have a couple of offices?

7 A. No, I think it was two different offices.

8 Q. Do you know where they were?

9 A. No. I know they're over in Philadelphia --  
10 Kensington, I don't know.

11 MR. DROZDOWSKI: I have no further  
12 questions. Somebody else may have.

13 EXAMINATION

14 BY MS. PATTERSON:

15 Q. Mrs. LaPergola, my name is Anne  
16 Patterson. I represent R. J. Reynolds Tobacco  
17 Company. I just have a couple of questions for  
18 you.

19 I believe you mentioned that you  
20 spoke with Marge Siderio about your coming here to  
21 testify?

22 A. Yes.

23 Q. Could you tell me when that was?

24 A. Tuesday -- Tuesday evening, I believe. She  
25 came here Tuesday, didn't she? I don't remember.

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LaPergola

1 Q. So it was after she came here?

2 A. Yes.

3 Q. And after she testified.

4 A. Yes.

5 Q. Did she call you?

6 A. No, just --

7 Q. Did she come to see you?

8 A. I just walked down. She lives down the  
9 street from me and sometimes I walk down in the  
10 evenings.

11 Q. So you went to her house to visit?

12 A. Yes.

13 Q. About how long were you at her house?

14 A. Couple hours, I guess, hour and a half.

15 Q. And during that hour and a half, you  
16 talked about the deposition she had had that day?

17 A. Well, not the whole time I was there. She  
18 just mentioned that she came.

19 Q. Do you remember how long you talked  
20 about the deposition?

21 A. No.

22 Q. Can you tell me what was said?

23 A. No, she just said she came and they asked  
24 her questions, that was it.

25 Q. She didn't tell you specifically what

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LaPergola

1 kinds of questions she was asked?

2 A. No.

3 Q. She just mentioned she'd been in a  
4 deposition?

5 A. Yes.

6 Q. Did she know you were about to go to  
7 a deposition today?

8 A. Yes.

9 Q. You and Marge are friends, I take it?

10 A. Yes, very good friends.

11 Q. Did she give you any friendly advice  
12 on the deposition?

13 A. She said just tell them what you know, the  
14 truth.

15 Q. Was Marie Reach there when you were  
16 visiting Marge?

17 A. No.

18 Q. When was the last time you saw Marie?

19 A. She drove me over, today.

20 Q. She did.

21 A. Yes, on her way to work.

22 Q. Let me just go back a second. Can  
23 you remember the first time you ever spoke with  
24 Marie Reach about this lawsuit?

25 A. No, I don't remember.

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Lapergola

94

1 Q. Was it once or twice or half a dozen  
2 times?

3 A. I don't remember.

4 Q. Have you spoken with her more than  
5 once about the lawsuit?

6 A. More than once? I don't know.

7 Q. Did you speak with her about the  
8 lawsuit today?

9 A. No, she just drove me over, 'cause I don't  
10 drive. I had no transportation.

11 Q. Did she speak with you about the  
12 deposition?

13 A. No.

14 Q. So she drove you over here for your  
15 deposition and neither of you mentioned the  
16 deposition?

17 A. Right.

18 Q. Were you ever curious as to why Marie  
19 Keach was suing the tobacco companies?

20 A. No.

21 Q. You just thought that's what she was  
22 doing and --

23 A. Yes.

24 Q. You never asked her why?

25 A. No.

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Lapergola

1 Q. Did she ever tell you why?

2 A. No, not really.

3 Q. You say not really. Is there any  
4 answer you can give to that question?

5 A. Well, she never discussed it with me, really.

6 Q. Did you receive a subpoena, a piece  
7 of paper telling you to be here, today, at any  
8 time?

9 A. Not for this office, it was supposed to be  
10 in Camden.

11 Q. I believe it was from Mr. Drozdowski's  
12 office?

13 A. Yes, and it was changed, yes.

14 Q. When you got that, did you speak to  
15 Marie about that?

16 A. Yes.

17 Q. Can you remember what was said in  
18 that conversation?

19 A. Well, I just told her I got this letter  
20 stating I had to appear in Camden.

21 Q. Do you remember what she said to you?

22 A. No.

23 Q. Do you remember if she said anything?

24 A. No.

25 Q. The best you can recall, she didn't

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LaPergola

1 say anything in response to that?

2 A. No.

3 Q. She just was silent?

4 A. Yes.

5 Q. So to the best of your recollection,  
6 just so I understand your testimony, the only  
7 times you have ever spoken to Marie Reach, that  
8 you can remember, about the lawsuit are when you  
9 received the subpoena, and that's when you said to  
10 her that you had been subpoenaed?

11 A. Yes.

12 Q. And she didn't respond. And then at  
13 one other time, which she mentioned she was suing  
14 tobacco companies.

15 A. I beg your pardon?

16 Q. And then on another occasion when she  
17 mentioned she was suing tobacco companies, were  
18 those the only two times you've ever spoken to her  
19 about the lawsuit?

20 A. Yes.

21 Q. Other than the gentleman sitting next  
22 to you, have you ever met any other lawyers  
23 representing Marie Reach?

24 A. No.

25 Q. Has she ever spoken to you about any

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LaPergola

1 conversation she's had with lawyers?

2 A. No.

3 Q. Just one final question, have you  
4 ever spoken with Susan Reach about the lawsuit?

5 A. No.

6 Q. Thank you very much, Mrs. LaPergola.

7 A. You're welcome.

8 EXAMINATION

9 MR. MR. MILLER:

10 Q. Mrs. LaPergola, I just have a couple  
11 questions for you. When you spoke with Marge  
12 Siderio on Tuesday, did Marge tell you what  
13 answers she had given to any of the questions put  
14 to her during her deposition?

15 A. No.

16 Q. During that Tuesday meeting with  
17 Marge, did she tell you any information that she  
18 had given to the lawyers during her deposition?

19 A. No.

20 MR. MILLER: That's all I have. Thank  
21 you.

22 MR. DROZDOWSKI: Just a few questions.

23 FURTHER EXAMINATION

24 BY MR. DROZDOWSKI:

25 Q. At any time, did Marie Reach ever

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LaPergola

1 tell you of the brands of cigarettes that her  
2 husband smoked during his lifetime?

3 A. No. She might have, but I don't remember.

4 Q. Did she ever ask you if you  
5 remembered the brands of cigarettes he smoked  
6 during his lifetime?

7 A. No.

8 Q. Did she ever show you any papers or  
9 pictures or advertising or anything concerning  
10 this lawsuit?

11 A. No.

12 Q. Did you review any writings or papers  
13 or anything, today?

14 A. No.

15 MR. DROZDOWSKI: I have nothing  
16 further. That's it.

17 (Deposition adjourned at 11:25 a.m.)

18

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C E R T I F I C A T E

I, Kathleen A. Paglione, a Certified  
Shorthand Reporter and Notary Public of the State  
of New Jersey, do hereby certify that prior to the  
commencement of the examination, the witness  
and/or witnesses were sworn by me to testify to  
the truth, the whole truth and nothing but the  
truth.

I do further certify that the foregoing is a  
true and accurate computer-aided transcript of the  
testimony as taken stenographically by and before  
me at the time, place and on the date hereinbefore  
set forth.

I do further certify that I am neither of  
counsel nor attorney for any party in this action  
that I am not interested in the event nor outcome  
of this litigation.

Kathleen A. Paglione  
Notary Public

Certified Shorthand

Reporter No. X100449

My commission expires 8-8-87

Dated: \_\_\_\_\_

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